IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26819 of 2005

Between:

M.Devender

..... PETITIONER

AND

The Joint Collector,

Medak at Sanga Reddy and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 2nd respondent in canceling the authorization of the petitioner's fair price shop dealership through proceedings dated 28.10.2005 without issuing any notice, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner's fair price shop dealership was cancelled by proceedings dated 28.10.2005 of the 2nd respondent. As against the said order, the petitioner filed an appeal before the 1st respondent on 02.12.2005, along with an application for grant of stay. Even before appeal is disposed of, the 2nd respondent issued a Notification dated 06.12.2005, calling for applications for the appointment of dealership on regular basis, not only in respect of the petitioner's fair price shop, but also in respect of 12 other fair price shops of different villages.

In so far as the Notification, calling for applications for the appointment of fair price shop dealership on regular basis for 12 other villages are concerned, this Court cannot interfere with the said Notification. But in so far as the fair price shop of Medinipur of Kondapaka Mandal is concerned, as the appeal, against the cancellation order, is pending before the 1st respondent, the respondents are directed not to proceed with the Notification for the appointment of permanent dealer in respect of fair price shop of Medinipur of Kondapaka Mandal is concerned, till the appeal is considered and disposed of by the

1st respondent. The 1st respondent is also directed to consider and dispose of the appeal, in accordance with law, after giving a reasonable opportunity to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 16.12.2005

Dsr

Note:

Issue CC tomorrow

B/o

Dsr